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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael S. Head et al.

Serial No.: 10/701,715

Filed: November 5, 2003

Title: Apparatus and Method for
Detecting an Analyte

Attorney Docket No.: 09987-00002

Group Art Unit: 2856

Examiner: John P. Fitzgerald

Commissioner for Patents
Alexandria, VA 22313-1450

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| <i>Lawrence H. Meier</i> 24 Nov. 2004 |
| Lawrence H. Meier Date |

November 24, 2004

RESPONSE TO FIRST OFFICE ACTION ON THE MERITS

This is in response to the Office Action (paper no. 082304) regarding the above-identified patent application that was mailed from the U.S. Patent and Trademark Office on August 25, 2004. Amendments to the Claims and Remarks concerning the Office Action start, respectively, on the following pages 2 and 7.

P277-12/00

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| PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875 | | | | | | Application or Docket Number 10/761715 | |
|--|---|--------------|------------------------------------|---------------|-----------------|--|-------------------------|
| CLAIMS AS FILED – PART I (Column 1) (Column 2) | | | | | | | |
| FOR | NUMBER FILED | NUMBER EXTRA | | | SMALL ENTITY | OR | OTHER THAN SMALL ENTITY |
| BASIC FEE (37 CFR 1.16(a)) | | | | | RATE | FEE | |
| TOTAL CLAIMS (37 CFR 1.16(c)) | minus 20 = | * | | | X \$ ____ = | | RATE |
| INDEPENDENT CLAIMS (37 CFR 1.16(b)) | minus 3 = | * | | | X \$ ____ = | | FEE |
| MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d)) | | | | | + \$ ____ = | | |
| * If the difference in column 1 is less than zero, enter "0" in column 2. | | | | TOTAL | | TOTAL | |
| CLAIMS AS AMENDED – PART II 11.24.04 (Column 1) (Column 2) (Column 3) | | | | | | | |
| AMENDMENT A | CLAIMS REMAINING AFTER AMENDMENT | MINUS | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE | ADDITIONAL FEE | |
| | Total (37 CFR 1.16(c)) | * | ** | = | X \$ ____ = | | RATE |
| | Independent (37 CFR 1.16(b)) | * | *** | = | X \$ ____ = | | ADDITIONAL FEE |
| | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) | | | | + \$ ____ = | | |
| | | | | | TOTAL ADD'L FEE | | TOTAL ADD'L FEE |
| AMENDMENT B | CLAIMS REMAINING AFTER AMENDMENT | MINUS | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE | ADDITIONAL FEE | |
| | Total (37 CFR 1.16(c)) | * | ** | = | X \$ ____ = | | RATE |
| | Independent (37 CFR 1.16(b)) | * | *** | = | X \$ ____ = | | ADDITIONAL FEE |
| | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) | | | | + \$ ____ = | | |
| | | | | | TOTAL ADD'L FEE | | TOTAL ADD'L FEE |
| AMENDMENT C | CLAIMS REMAINING AFTER AMENDMENT | MINUS | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE | ADDITIONAL FEE | |
| | Total (37 CFR 1.16(c)) | * | ** | = | X \$ ____ = | | RATE |
| | Independent (37 CFR 1.16(b)) | * | *** | = | X \$ ____ = | | ADDITIONAL FEE |
| | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) | | | | + \$ ____ = | | |
| | | | | | TOTAL ADD'L FEE | | TOTAL ADD'L FEE |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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